

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Constituency Planning Committee**

**6<sup>TH</sup> AUGUST 2024**

**ZC23/01691/FUL - CONVERSION OF FOUR TRADITIONAL FARM BUILDINGS TO FORM 4 NO. DWELLINGS WITH ASSOCIATED WORKS, INCLUDING CREATION OF DEDICATED PARKING AND PRIVATE GARDENS AND DEMOLITION OF MODERN FARM BUILDINGS AT MANOR FARM, FEARBY ON BEHALF OF SWINTON ESTATES**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

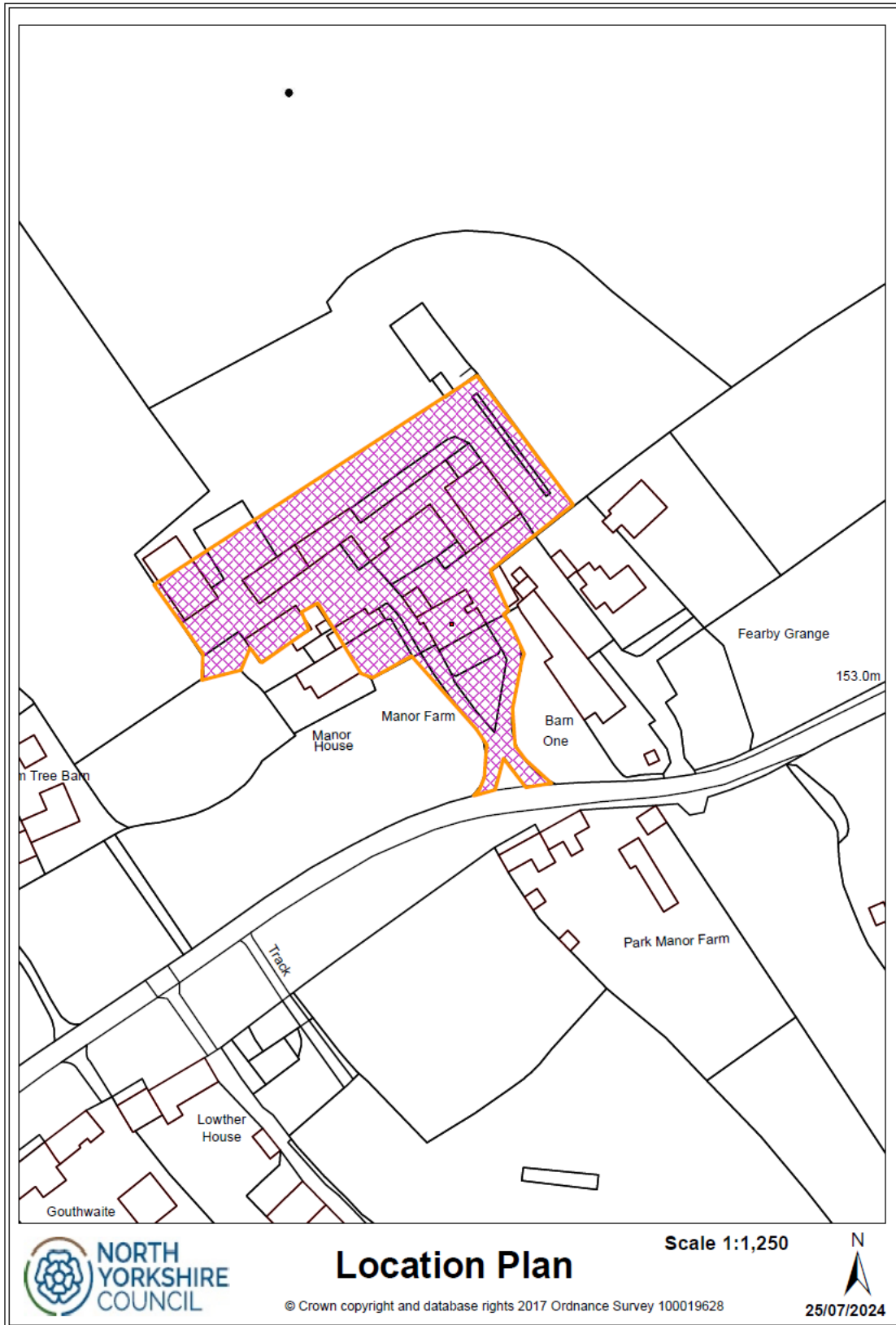
- 1.1 To determine a planning application for the conversion of four traditional farm buildings to form 4 no. dwellings with associated works, including creation of dedicated parking and private gardens and demolition of modern farm buildings at Manor Farm, Fearby.
- 1.2 This application is brought to the Area Planning Committee as the applicant is related to a local Member.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1. This application seeks full planning permission for the conversion of four traditional farm buildings to form 4 no. dwellings. The proposal involves the demolition of modern farm buildings, the creation of parking and residential curtilages for the dwellings. The proposal would provide 1 no. 2 bed dwelling; 2 no. 3 bed dwellings and 1 no. 4 bed dwelling. Barn 4 is a listed building.
- 2.2. The application site comprises a range of traditional farm buildings including a Grade II listed barn and non-listed modern farm buildings to the rear of Manor Farm, Fearby, which is also a Grade II listed building. The buildings are accessed by an existing track across the village green within the Fearby Conservation Area.
- 2.3. The application site is outside defined development limits and therefore is located within open countryside. The site is also located within the Nidderdale National Landscape (AONB). A public footpath crosses the site.
- 2.4. The conversion of rural buildings outside defined development limits is supported under Local Plan Policy HS6. It is considered that the proposal meets the requirements of the policy.
- 2.5. The buildings are located within Fearby Conservation Area and within the setting of a number of listed buildings. Barn 4 is listed in its own right. The proposal represents a

sensitive scheme to bring the buildings back into use, and whilst the scheme will create 'less than substantial harm' to the heritage assets, it is considered that the public benefits outweigh this harm. The proposal is therefore considered to comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF and Local Plan Policy HP2.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been changed during the determination process following advice from the Case Officer and the Conservation Officer. These changes relate to the design details and size of the proposed residential curtilage.
- 3.3. There is 1 relevant planning application in relation to the above development:

ZC23/01692/LB – Internal and external alterations to Grade II listed barn north-east of farmhouse comprising of replacement timber windows/doors, 2 no. conservation style rooflights, 1 no. internal opening, internal staircase, and new first-floor structure in association with conversion to a two-bedroom dwelling – Pending Consideration

This application is also on today's agenda.

### **4.0 Site and Surroundings**

- 4.1. The application site comprises a range of traditional farm buildings including a Grade II listed barn and non-listed modern farm buildings to the rear of Manor Farm, Fearby, which is also a Grade II listed building. The buildings are accessed by an existing track across the village green within the Fearby Conservation Area.
- 4.2. The application site is outside defined development limits and therefore is located within open countryside. The site is also located within the Nidderdale National Landscape (AONB). A public footpath crosses the site.

### **5.0 Description of Proposal**

- 5.1. This application seeks Full planning permission for the conversion of four traditional farm buildings to form 4 no. dwellings. The proposal involves the demolition of modern farm buildings, the creation of parking and residential curtilages for the dwellings.
- 5.2. The proposal would provide 1 no. 2 bed dwelling; 2 no. 3 bed dwellings and 1 no. 4 bed dwelling. Barn 4 is a listed building.
- 5.3. The conversion works involve the re-use of existing openings; the blocking up of openings; the creation of new openings; the replacement of profile sheet roofing with slate roofing; small areas of rebuild; alterations to levels; use of cladding and the insertion of vents, flues and rooflights.

### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 - 2035 (adopted 2020)
  - Joint Minerals and Waste Plan (adopted 2022)

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework December 2023
  - National Planning Practice Guidance
  - National Design Guide
  - Heritage Management Guide
  - Nidderdale AONB Management Guide
  - Fearby Conservation Area Appraisal
  - Landscape Character Assessment
  - Farm Buildings Design Guide
  - House Extensions and Garages Design Guide

**7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below. Focus on the most recent comments from consultees.
- 7.2. **Parish Council:** seeks safeguards in relation to need for affordable housing in the area.
- 7.3. **Highways:** Recommend conditions
- 7.4. **Ecology:** Recommend conditions
- 7.5. **Yorkshire Water:** Recommend conditions
- 7.6. **Footpath Officer:** recommends informative in relation to footpath crossing the site.
- 7.7. **Environmental Health:** recommend conditions in relation to land contamination, noise and dust control
- 7.8. **Conservation Officer:** - recommends conditions

Local Representations

- 7.9. 3 local representations have been received of which all seek safeguards but do not object or support the application. A summary of the comments is provided below, however, please see website for full comments.
- 7.10. Safeguards:

- Potential flooding in the area
- Condition of the public footpath

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The Proposed Development was screened under 10 (b) of the Town and Country Planning (Environmental Impact Assessment) 2017.
- 8.2. The Proposed Development is located within Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and it is a designated sensitive area as defined by the EIA Regulations.
- 8.3. Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and surrounding designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.
- 8.4. The Proposed Development is not therefore EIA Development.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
  - Impact on heritage assets
  - Impact on landscape character
  - Impact on residential amenity
  - Impact on highway safety
  - Flood risk and drainage
  - Ecology
  - Land contamination
  - Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. The site is outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be

supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.

- 10.3. Paragraph 88 of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth, sustainable rural tourism which respect the character of the countryside and farm diversification schemes.
- 10.4. The conversion of rural buildings outside development limits is supported under Local Plan Policy HS6 subject to various criteria.

*Outside defined settlement development limits the conversion and/or re-use of existing buildings to residential use from other uses will be supported where proposals meet all of the following criteria:*

- A. The building is of permanent and substantial construction, structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction;*
- B. The scale, form and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*
- C. The proposed alterations are of a high quality design, retaining the features that contribute positively to the character of the building and its surroundings;*
- D. The building and its curtilage can be developed without an adverse effect on the historic environment, the character of the local landscape or its setting;*
- E. It can be demonstrated that there is no significant impact on local biodiversity, including protected habitats and species; and*
- F. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures.*

*Developments under this policy will be expected to comply with the affordable housing and open space provision policies of the plan.*

*Where a future alteration or extension could have a detrimental effect on the character of the converted building or the area, permitted development rights will be withdrawn for such development.*

- 10.5. The application has been submitted with a structural report which sets out that the buildings are capable of conversion but that some demolition and rebuild and repair works are required. The submitted report includes drawings setting out the extent of the works which are required and it is considered expedient that any planning approval for the conversion of the buildings includes a condition that limits the extent of works to those set out in these drawings.
- 10.6. Whilst the extent of demolition and rebuild may be greater than normally considered to be appropriate, the proposal would enable the preservation and repair of the fabric of the listed building and associated barns, and thus this has been given great weight in the decision making process.
- 10.7. The application has been amended in terms of the detailed design of the proposal and it is considered as set out further in this report that the scale, form and general design of the proposed works are appropriate to the character of the area and would create 'less than substantial harm' to the listed buildings both on site and in close proximity and to the Conservation Area, but this harm is outweighed by the public benefits of

bringing the listed building back into use and to conserve the setting of the nearby designated heritage assets.

- 10.8. It is considered that the buildings can be converted without harming the landscape character of the area through the change of use and provision of the amended and restricted domestic curtilage, and that the proposal would create no harm in relation to ecology, and highway safety.
- 10.9. The proposal is therefore considered to meet the criteria set out in Local Plan Policy HS6 and is acceptable in principle subject to no other material planning consideration outweighing the benefit of housing in this location.
- 10.10. As set out in Local Plan Policy HS6 it is considered expedient to removal all permitted development rights from the dwellings should they be approved. This would ensure that the proposed development did not create issues in terms of harm to heritage assets; the character and appearance of the buildings; and the impact on the landscape character of the area.

#### Impact on Heritage Assets

- 10.11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.13. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.



- 10.15. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.16. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.17. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest.
- 10.18. The proposed development relates to a listed barn and farm buildings to the rear of Manor Farm in Fearby, which is also a listed building. The buildings are also located within the Fearby Conservation Area.
- 10.19. The buildings are in a poor state of repair and are noted as an area of enhancement in the Conservation Area appraisal. The appraisal notes 'vacant farm buildings and outbuildings should be returned to use in an appropriate manner which respects their traditional character'.
- 10.20. The buildings are no longer suitable for modern farming practices and the modern buildings that are attached to the buildings are also in a poor state of repair and detract from the village green. The proposal represents a sensitive conversion of the buildings to provide 4 no. dwellings and the proposed alterations have been kept to a minimum and are retain and respect their traditional character.
- 10.21. Following input from the Conservation Officer the proposal has been amended to ensure that the alterations to the buildings retain as much as the historic fabric as possible and the amended details have been considered acceptable to the Conservation Officer subject to a number of conditions relating to specific technical details.
- 10.22. The proposed development is considered to comply with Local Plan Policy HP2 and whilst the proposal will lead to 'less than substantial harm' to the heritage assets as there will be some loss of fabric to enable the conversion to be undertaken, it is considered that this is outweighed by the public benefits of the scheme. The proposal will bring back into use the vacant farm buildings which directly affect the appearance of the Conservation Area and the setting of the nearby listed buildings and also ensure that the listed barn is saved from any further deterioration.

10.23. The proposal therefore accords with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.

#### Impact on Landscape Character

10.24. The application site is located within the Nidderdale National Landscape (AONB) which is protected through the NPPF and Local Plan Policy GS6. Local Plan Policy NE4 is also relevant which seeks to protect the landscape character of the wider local plan area.

10.25. The application site is located on the edge of Landscape Character Area 39 'Ellingstring and Fearby upland fringe Grassland'. The area is described as a diverse, transitional landscape which is sensitive to changes which could result in the loss of key characteristics. It also refers to the development of farmsteads impacting on the character of the landscape.

10.26. The application site sits on the edge of Fearby, which is a linear settlement formed around the Green. The buildings form part of the existing built form and the proposal would remove the modern farm buildings which detract from the overall landscape character.

10.27. The plans have been amended to reduce the extent of the proposed curtilage so that they are more tightly arranged around the buildings and it is proposed to bound the curtilage areas to the rear of the site with native hedging and the provision of boundary walling to unit 3.

10.28. A public right of way runs across the site and the design of the proposal has been amended to ensure that the right of way is not affected by the proposal and the route would remain open on its approved route.

10.29. Whilst the experience of users would be affected by the change of use of the buildings this impact would be limited as the domestic space would be segregated from the footpath by the proposed hedge and the route of the footpath would continue through the open fields to the rear of the site.

10.30. The present route is compromised by the existing modern buildings which block the route and the safety issues around the state of the buildings. The proposal will remove the buildings which block the route.

10.31. It is considered that the buildings could be redeveloped without harm to the landscape character of the Nidderdale National Landscape or the wider character of the local plan area and therefore would be in accordance with Local Plan Policies GS6 and NE4 subject to conditions relating to boundary treatments; and the removal of permitted development rights for outbuildings.

#### Impact on residential amenity

- 10.32. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.33. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.34. The proposal would provide 4 no. dwellings to the rear of Manor Farm. Plot 1 forms a 3 bedroom dwelling which sits to the rear of Manor House and Unit 4. The minimum separation distance between the units is 17.5m which is slightly shorter than the recommended 18m in the House Extensions and Garages Design Guide, however this extends to over 18m between Manor house and Plot 1. There are also no first floor windows to Plot 4 only rooflights therefore there would be no direct overlooking at first floor level. The private amenity space to both properties is to the front of Plot 4 and the rear of Plot 1 with parking in the central area, so the private external amenity space is not compromised by the tightness of the site.
- 10.35. A separation distance of 22m can be achieved between Manor Farm and Plot 2 and a separation of over 30m between Plot 3 and the nearest residential property. All of the properties can provide internal accommodation in excess of that set out within the Nationally Designated Space Standards. All properties have an appropriate level of private amenity space.
- 10.36. It is considered that the proposal would provide the high level of residential amenity required by Local Plan Policy HP4 and paragraph 135 of the NPPF.

#### Impact on Highway Safety

- 10.37. Local Plan Policy TI3 sets out the requirements for parking provision for developments.
- 10.38. Paragraphs 114 and 115 of the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.39. The proposal makes use of the existing access across the Village Green which serves the existing residential properties and the redundant farm buildings.
- 10.40. The Highways Authority have considered the proposal and whilst the visibility splays are less than those generally required, any alterations to the access would affect the registered village green. In accordance with the Manual for Streets a setback of 2m may be acceptable in some lightly-trafficked and slow speed situations. Given the characteristics of the site (a rural setting with a 30mph speed limit) the Local Highways Authority are satisfied that this can be applied and there would be no adverse impact on highway safety.
- 10.41. The proposed development is able to provide sufficient parking for the proposed units to meet the required NY parking standards.
- 10.42. The public footpath which runs through the site will not be affected by the development.

- 10.43. The LHA recommend conditions in relation to the provision of parking and the submission of a Construction Management Plan during construction.

#### Flood Risk and Drainage

- 10.44. The application site is located within Flood Zone 1, which is the lowest risk of flooding. Yorkshire Water have confirmed that there is a public foul sewer in close proximity of the site and that the discharge of surface water via soakaway is acceptable.
- 10.45. It is considered that suitable drainage can be provided to the site although full drainage details have not been provided. It is recommended that conditions are attached requiring separate systems of drainage and to include the conditions in relation to surface water as recommended by Yorkshire Water.
- 10.46. It is not considered that the proposal will create issues in relation to flood risk or drainage.

#### Ecology and Biodiversity Net Gain

- 10.47. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.
- 10.48. Paragraph 180 of the NPPF states that the 'intrinsic character and beauty of the countryside' should be recognised including trees and woodland and minimising impacts on biodiversity.
- 10.49. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.
- 10.50. The application is supported by a Preliminary Ecological Appraisal dated February 2021 and a further Bat, Breeding Bird and Barn Owl Survey dated July 21.
- 10.51. Whilst the surveys are now out of date as the application has been with the Council for sometime, the Council's ecologist has commented that ' The impact of the renovation on the species will be minimal at all levels (site, local, and regional) as roosts of this type have low conservation significance due to the low number and common species of bat present and an outline method statement has been provided within the report'.
- 10.52. In view of this conditions are recommended. An updated survey will be required for the Natural England licence that would be required by this development.
- 10.53. The application was submitted prior to mandatory biodiversity net gain and therefore does not apply to this development.

#### Land contamination and Air Quality

- 10.54. Local Plan Policy NE9 sets out the requirements in relation to land contamination. The application does not include a sufficient level of information to rule out that land

contamination is not present on the site from the previous agricultural use. As such conditions are recommended in relation to land contamination.

- 10.55. Local Plan Policy NE1 seeks to improve air quality and it is therefore considered expedient to attach a condition requiring electric vehicle charging points to be provided, which will aid in the options for more sustainable travel and therefore improve air quality within the Local Plan area.

### Other Matters

- 10.56. The Parish Council has asked for safeguards in relation to affordable housing, however the proposal does not exceed the threshold for the provision of affordable housing in this location, and thus no affordable housing is required.
- 10.57. Local Plan Policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change. An energy statement has been provided to the support the application which sets out the measures that will be used within the conversion to meet Local Plan Policy CC4. It is recommended that the development is conditioned to be undertaken in accordance with this statement.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The application site is located outside defined development limits and therefore in 'open countryside'. The proposal is for the conversion of existing rural buildings to form dwellings which is supported by Local Plan Policy HS6. It is considered that the proposed development accords with this policy.
- 11.2. The application site includes a Grade II listed barn and the remaining buildings are situated within the setting of this building. The site is also located within the Fearby Conservation Area. The proposed development (as amended) provides a sensitive scheme which enables the conversion of the buildings to 4 no. dwellings. Whilst it is acknowledged that the proposal will create 'less than substantial harm' to the heritage assets due to the loss of some historic fabric, this is outweighed by the public benefits of the proposal. The scheme will enable the buildings to be brought back into use and ensure no further loss of fabric to the listed barn. This was also improve the appearance of the Conservation Area and the setting of the nearby listed buildings. This accords with Local Plan Policy HP2 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also Section 16 of the NPPF.
- 11.3. The proposal will provide a suitable level of amenity for existing and future residents and a suitable access and parking can be provided on site, subject to conditions. The proposal will not create harm to ecology, flood risk or drainage and land contamination subject to conditions.
- 11.4. It is therefore considered that the proposal as amended is acceptable.

## **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below:

**Condition 1 Time Limit**

The development hereby permitted shall be begun on or before 3 years of date of decision.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act

**Condition 2 Approved Plans**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

Location Plan submitted to the LPA on 26 June 2024

Proposed Site Plan – Drawing No 8 submitted to the LPA on 17 June 2024

Proposed Elevations and Ground Floor Plan (Barns 1 to 3) – Drawing No 1 submitted to the LPA on 17 June 2024

Proposed First Floor Plans (Barns 1 to 3) – Drawing No 6 submitted to the LPA on 17 June 2024

Proposed Floor and Elevational Plans – Barn 4 – Drawing No 7 submitted to the LPA on 17 June 2024

Enlarged Cross Section Detail – Drawing No 8 submitted to the LPA on 17 June 2024

Reason: In order to ensure compliance with the approved drawings.

Pre-Commencement

**Condition 3 Submission of a Preliminary Land Contamination Risk Assessment (Phase 1 Report) (discharge required)**

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

**Condition 4 Submission of an Intrusive Land Contamination Site Investigation Report (Phase II Report) (discharge required)**

Where further intrusive investigation is recommended in the Local Authority approved Preliminary Risk Assessment groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

**Condition 5 Submission of a Land Contamination Remediation Strategy (discharge required)**

Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

**Condition 6 Construction Phase Management Plan – Small Sites (discharge required)**

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interests of public safety and amenity and to accord with Local Plan Policy HP4.

Early Stage/ Construction Period

**Condition 7 Implementation of the Land Contamination Remediation Strategy (discharge required)**

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing

by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

**Condition 8 Materials (Stone) (discharge required)**

Any new stonework shall match the stonework of the original building in type, size, colour, dressing, coursing and pointing to the satisfaction of the local planning authority. Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

**Condition 9 – Materials Roof (discharge required)**

Before the first use of any materials in the external construction of the roof of the dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

**Condition 10 – Structural Report**

The level of demolition and rebuild shall be no greater than that set out within the submitted Structural Report (Victoria Design Group Ltd, dated 4<sup>th</sup> November 2022).

Reason: In the interests of preserving the character and appearance of the buildings the Fearby Conservation Area and the Nidderdale National Landscape and to accord with Local Plan Policies HP2, HP3, GS6 and HS6.

**Condition 11 Noise**

Preparatory and construction works shall be controlled and restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays



Reason: In the interests of the residential amenity of the neighbouring properties and to comply with Local Plan Policy HP4.

**Condition 12 Waste Water (discharge required)**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

**Condition 13 Ecology – protected species**

Works must be undertaken strictly in accordance with the recommendations of Sections 9 (Mitigation and Compensations) and Section 10 (Enhancement) of the Bat, Breeding Bird and Barn Owl Survey and Great Crested Newt Risk Assessment (MAB Environment & Ecology Ltd, July 2021) except where these measures may be superseded by the requirements of a Natural England Bat Licence. Section 9 provides that precautionary working methods are set out to avoid harm to bats during the course of works and that replacement crevice roosting habitat will be provided on site and that an appropriate lighting scheme will be adopted which is suitable to enable bats to continue to utilise the site.

Reason: In the interests of preserving biodiversity and protected species and to accord with Local Plan Policy NE3.

**Condition 14 – Ecology birds (discharge required)**

The works must be undertaken outside of the main birds nesting season (i.e. not March to August inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates that no actively nesting birds would be impacted by the works. A pre-commencement check for barn owls will also require to be undertaken, prior to the commencement of works. Evidence of adequate compensatory habitat provision for nesting birds including swallows and swifts, roosting barn owls and roosting bats must be submitted for the written approval of the local planning authority prior to the first occupation of the redeveloped buildings.

Reason: In the interests of preserving biodiversity and protected species and to accord with Local Plan Policy NE3.

**Condition 15 – Cross Section Details**

The development of all barns shall be undertaken in accordance with the 'Enlarged Cross Section Detail' shown on drawing no. 8 to provide a permeable solid floor, lime to the walls and woodfibre board to the underside of the roof. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

**Condition 16 – Window Details (discharge required)**

Prior to the installation of any windows or doors details of the proposed joinery at a scale of 1:5 shall be provided for the approval of the Local Planning Authority. Glazing shall be putty fixed (not timber beading) and details should show through glazing bars and not externally applied glazing bars. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

**Condition 17 – Rooflights (discharge required)**

Prior to the installation of any rooflights, technical details and sizes shall be submitted to the Local Planning Authority for approval. The rooflights shall be cast iron framing, flush to the roof slope with lead glazing bar and lead flashing. Rooflights should not be constructed of timber. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

**Condition 18 – Door details (discharge required)**

Prior to the installation of any doors 1:20 scale drawings shall be provided of the door joinery and cross section plans. The doors shall be vertical boarded ledged, braced with no border around the edge of the opening door. Plans should also include details of the proposed ironmongery. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the buildings and the Conservation Area in which they are located and to accord with Local Plan Policy HP2.

**Condition 19 – Structural Interventions (discharge required)**

Prior to any structural interventions being undertaken, including but not limited to metal work or rebuilding works, full details of the proposed interventions including a method statement shall be submitted to the LPA for approval. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

**Condition 20 – Rainwater Goods (discharge required)**

Prior to the installation of any rainwater goods, details shall be submitted to the LPA for approval. This should include details of the materials and proposed brackets. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of preserving the value of the heritage assets and to accord with Local Plan Policy HP2.

### Pre-Occupation

#### **Condition 21 Submission of Land Contamination Verification Report (discharge required)**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with Local Plan Policy NE9.

#### **Condition 22 Parking for Dwellings**

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development and to accord with Local Plan Policies TI3 and HP4.

#### **Condition 23 Removal of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, garages, outbuildings, flues or vents, satellite dishes or additional openings including roof windows or boundary treatments other than any expressly authorised by this permission shall be erected or inserted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the rural buildings, the Nidderdale National Landscape and the Fearby Conservation Area in accordance with Local Plan Policies HS6, GS6 and HP2.

#### **Condition 24 Electric Vehicle Charging**

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 amp). Buildings and parking

spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging point installed shall be retained and maintained thereafter.

Reason: In the interests of improving air quality and sustainable travel and to accord with the NPPF.

#### **Condition 25 – Energy Statement**

The development shall be undertaken in accordance with the details set out within the Energy Statement submitted to the LPA on 20<sup>th</sup> June 2024.

Reason: In the interests of sustainable design and to accord with Local Plan Policy CC4.

### **Informatives**

#### **Noise and Dust Control**

The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during the demolition and construction phases of the development. This should include not working outside the hours stated above, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

#### **Public Rights of Way**

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.
- ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required. Please contact the Council or visit their website for an application form.
- iv) the existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be

made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

## Ecology

The applicant's ecological consultants have provided evidence of the presence of protected species on site. It is the applicant's responsibility to ensure that the correct licences are in place, prior to the commencement of works, to enable the proposed works to be undertaken lawfully.

**Target Determination Date:** 15.08.2024

**Case Officer:** Emma Howson, [emma.howson@northyorks.gov.uk](mailto:emma.howson@northyorks.gov.uk)

## Appendix A – Proposed Layout Plan

